UNITED STATES PATENT AND TRADEMARK OFFICE

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10/715,425	11/19/2003	Jerome Cornet	ALC 3097	5332

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 February 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the rejection(s) of claim(s) 1-8 have been fully

considered and are persuasive in light of the amendments. Therefore, the rejection(s) has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic et al.

(US Pub. No. 2003/0028654, hereinafter "Abjanic") in view of Horvitz (US Pub. No.

2003/0097495), and further in view of Fraser et al. (US Patent No. 6,629,149, hereinafter

"Fraser"), Schwarzhoff et al. (US Patent 6,591,260, hereinafter "Schwarzhoff"), and "The Java

Tutorial: The switch Statement," hereinafter "the Java Tutorial."

Regarding claim 1, note that the preamble has been given patentable weight as it is relied

upon by the body of the claim.

Abjanic shows a content switch (director 145) that routes packets to application providers (application servers: see [0029] and [0077]) in a computer based communication system using instructions recorded on a computer-readable storage medium (see [0031]), the storage medium comprising:

- instructions that send a document (comprising an XML document: see [0057]) to a parser (XML parser 312: see [0059]);

- instructions that fetch a routing document (comprising a group of configuration patterns: see [0059]-[0061]) associated with the packets (comprising packets of XML data: see [0055]-[0056]), the document containing routing rules (comprising configuration patterns: see [0052] and [0061]);

- instructions that pass the document to a routing instruction processor (content based switching decision logic: see [0059] and [0083]);

- instructions that interpret the routing rules in the routing document (content based switching logic 316: see [0059]),

- instructions that use the interpreted routing rules to redirect the packets to a specified server (output interface 320: see [0060]); and

- wherein each application provider defines switching policies (see [0047] and [0051]-[0054] and note that the switching policies are based on the needs of the application providers).

Abjanic does not explicitly show:

- instructions that fetch a schema document and validate a document according to the fetched schema;

- that a schema document contains the routing rules;

- that the routing rules provide a default action when the document does not match the routing rules;

- that the content switch is managed by a network provider; and

- wherein administrative domains of the content switch and application servers are separated

Schwarzhoff shows fetching a schema document (see col. 9, lines 1-9) and validating a document according to the fetched schema (see col. 4, lines 39-60). It would have been obvious to modify the system of Abjanic to fetch schemas and validate documents as taught by Schwarzhoff in order to ensure that the documents conform to the expected format.

Horvitz shows a schema document associated with a packet and containing routing rules (see [0159]-[0161]). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Abjanic with the schema document of Horvitz in order to provide routing "hints" to a downstream network element (see Horvitz, [0161]).

Fraser shows a content switch (comprising an inline agent) managed by a network provider (comprising the provider which provides WAN connectivity to a LAN: see col. 15, line 45 to col. 16, line 10). Fraser further shows wherein the administrative domains of the content switch and the devices it serves are separated: see col. 16, lines 1-10 and note that the inline agent provides a service (see col. 15, lines 45-47) to LANs operated by customers. It would have been obvious to one of ordinary skill in the art to further modify the system of Abjanic with the management and administrative configuration taught by Fraser in order to distribute responsibility more evenly among the organizations involved in the system.

Abjanic further shows that there is a default action when the document does not match

the routing rules (comprising routing to a default server: see [0048]), but does not show that this

default action is provided by the routing rules. In other words, the default action in Abjanic may

be defined "at the factory" and not by the same configuration information that defines the routing

rules. The Java tutorial shows defining a default action using the same mechanism as that used to

define actions for specific situations (comprising a *default* statement: see page 3). It would have

been obvious to one of ordinary skill in the art at the time of the invention to further modify the

system of Abjanic to include a default action in the routing rules in order to allow users of the

system more flexibility in choosing what that default action should be.

Regarding claim 2, the combination shows the limitations of claim 1 as applied above,

and Abjanic further shows instructions that parse XML-based language (see [0028]).

Claims 3-7 correspond to claims 1 and 2 and are rejected for the same reasons as given

above.

Regarding claim 8, the combination shows the limitations of claim 7 as applied above,

and further shows allowing a trusted customer of the network provider to define switching

policies (see Fraser, col. 16, lines 1-10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442

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